

**DEM Rules and Regulations Expected to be Filed  
Prior to June 2002**

Act	Purpose	Effect	Interested Parties	Contact
<b>NATURAL RESOURCES</b>				
<u><b>FARM, FOREST, AND OPEN SPACE ACT</b></u> <i>Legal Basis: § 44-27-7</i>	Update existing rules to address concerns of tax assessors, environmental groups, and private citizens.	New rules will clarify operating procedures to ensure consistency of application of the law throughout the State of Rhode Island.	Cities, towns, citizens.	Chief Tom Dupree, Forestry, 647-34389 and Chief Ken Ayars, Agriculture, 222-2781 ext. 4500.
<u><b>ORGANIC CERTIFICATION RULES</b></u> <i>Legal Basis: § 21-20</i>	USDA has promulgated federal organic certification rules for agricultural products, which all states must incorporate into existing programs before the end of the 2002. Rhode Island must amend its existing program and standards by rulemaking to incorporate the new federal rules and standards.	Incorporation of the new federal rules is not expected to significantly alter the Rhode Island Program, but it is required in order for the Rhode Island Program to continue to operate.	Farmers	Dennis Martin, Division of Agriculture, 222-2871 ext. 4509.
<u><b>ANIMAL CARE REGULATIONS</b></u> <i>Legal Basis § 4-19-1</i>	Rhode Island currently does not have rules governing standards for basic animal care in public and private facilities (pet shops, kennels, and pounds, etc.). Rules under development will address these issues, as well as address standards for euthanasia, and standards for animal care in the equine industry. Standards include housing, feed and water requirements, basic veterinary care, etc	Promulgation of rules will provide for necessary standards for animal care and euthanasia in public and private facilities.	Municipalities, public and private animal care facilities, and equine industry.	Dr. Chris Hannafin, Division of Agriculture, 222-2781 ext. 4503.
<u><b>PESTICIDE RELIEF FUND</b></u> <i>Legal Basis: § 23-25.2</i>	Existing rules govern administration of grant funds that are provided on an annual basis to businesses and institutions to develop alternatives to chemical methods of pest control. Projects must be completed within one year, which often limits field of	Extension of grant period from one to two years will allow for a greater diversity of grant applicants and more time for grant recipients to produce desired outcomes.	All potential grant recipients: farmers, educational institutions, municipalities, etc.	Dennis Martin, 222-2781 ext. 4509.

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	<p>applicants and outcome of projects. The proposed amendment would extend to a maximum of two years the eligible grant period for completion of the project, which will allow for a greater diversity of grant applicants and more time to produce good project outcomes.</p>			
<p><b><u>MOSQUITO ABATEMENT BOARD</u></b>  <i>Legal Basis: § 23-7</i></p>	<p>New law, enacted during the 2001 General Assembly session modifies some terms and conditions (i.e., cost share percentage) for Mosquito Abatement Grants issued by DEM to municipalities. Existing rules and regulations must be amended to reflect this legislative change.</p>	<p>Amendments would allow for a greater cost share percentage of state funds for grant recipients, which will reduce financial constraints on some awardees and improve likelihood of effective project outcomes.</p>	<p>Potential grant recipients, primarily municipalities.</p>	<p>Dr. Al Gettman, Division of Agriculture, 789-6280.</p>
<p><b><u>PURCHASE OF DEVELOPMENT RIGHTS TO FARMLAND</u></b>  <i>Legal Basis: §§ 42-35 and 42-82</i></p>	<p>Existing rules govern the operating procedures of the Agricultural Land Preservation Commission regarding administration of bond funds to purchase development rights to farmland. Current rules were promulgated in the early 1980s, and now need to be updated to reflect current state objectives and the comprehensive planning statute.</p>	<p>Proposed amendments will not significantly impact operation or outcomes of the program, but will update procedures and standards to reflect current state objectives and statutes.</p>	<p>Farmers.</p>	<p>Jim Doris, Chairman, Agricultural Land Preservation Commission, 647-3513; and Ken Ayars, Division of Agriculture 222-2781 ext. 4500.</p>
<p><b><u>HUNTING REGULATIONS FOR 2002-2003 SEASON; FRESHWATER FISHING REGULATIONS FOR 2003-2004 SEASON</u></b>  <i>Legal Basis: §§ 20-1-4; 20-1-12; 20-1-13; 42-17.1; 42-17.6; and 42-35</i></p>	<p>Establish conditions and requirements for hunting or fishing species, bag limits, minimum size restrictions, seasons, etc. in accordance with federal guidelines and public comment.</p>	<p>Set the rules for all hunted and fished (freshwater) species in Rhode Island.</p>	<p>Recreational anglers and hunters.</p>	<p>Mike Lapisky, 789-3094 ext. 7083.</p>
<p><b><u>PARKS AND MANAGEMENT AREAS</u></b>  <i>Legal Basis: §§ 31-3-2; 32-2; 20-1-4; 20-1-12; 20-1-13; 42-17.1; 42-</i></p>	<p>A multi-divisional compilation and update of several bodies of regulations is nearing completion. The effort is designed to eliminate cross-divisional duplication and conflicting</p>	<p>. New provisions will reduce user conflicts, including rules governing dogs in management areas and new prohibition on feeding waterfowl in parks and management areas;</p>	<p>All users of state parks and management areas.</p>	<p>Michael Lapisky or Lori Suprock, Division of Fish &amp; Wildlife, 789-0281; John Faltus, Division of Parks &amp; Recreation, 222-2632.</p>

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17.6; and 42-35.	regulatory provisions, and to promulgate new regulations governing the use of parks and management areas.	restrictions on off-road motorcycle usage; control of special events; and the wearing of fluorescent orange in management areas.		
<b>MARINE FISHERIES</b> <i>Legal Basis: §§ 20-1-2, 20-1-4; 20-3-1 through 20-3-6; 20-4 through 20-10; 42-17.1; 42-17.6; and 42-35</i>	Amend/regulate fisheries methods, possession limits, and seasons according to federal agency mandates and decisions by the Director in conjunction with the Rhode Island Marine Fisheries Council. Also, codify decision-making process involving the Council, its Advisory Panels, and DEM. Also, enact regulatory changes necessary to implement any statutory changes to commercial licensing enacted during the 2002 session.	Keep Rhode Island in compliance with federal mandates, established fisheries management rules and regulations, and the RI General Laws.	All commercial and recreational fishermen and fish processing businesses.	Mark Gibson, 789-2094 ext. 4713.
<b>AQUACULTURE/FISH DEALERS</b> <i>Legal Basis: §§ 42-17-7, 20-1-2, 20-1-4, 20-1-5, 20-6-24, 20-10-5, and 20-10-12</i>	Amend the existing regulations pertaining to aquaculture, shell-fish, and dealers to establish new requirements and standards governing the harvest, possession, and sale of cultured shellfish crops.	Enable aquaculturists and dealers to possess and sell properly bagged and tagged cultured crops without being subject to restrictions governing wild shellfish stocks.	Licensed aquaculturists and dealers.	Mark Gibson, Division of Fish and Wildlife, 783-7753.
<b>ENVIRONMENTAL PROTECTION</b>				
<b>HAZARDOUS WASTE GENERATION REGULATORY FEES</b> <i>Legal Basis: §§ 23-19.1; 42-17.1; 46-12; 23-23; 23-19.1; 23-18.9; and 42-35</i>	In accordance with the Governor's 2003 state budget proposal, amend state regulations to assess a fee on companies that generate hazardous waste. The amount of the fee will be based on the amount of waste generated by the company.	Stabilize funding for the hazardous waste and site remediation programs.	Businesses, municipalities, and state agencies that generate over one ton (2000 lbs.) of hazardous waste in any given year.	Leo Hellested, Office of Waste Management, 222-2797.
<b>USED OIL AND RCRA CORRECTIVE ACTION</b> <i>Legal Basis: § 23-19.6</i>	Amend state regulations in accordance with recent changes in federal law.	Used oil: Re-classify waste oil as a waste subject to recycling rather than a hazardous waste. RCRA Corrective Action – Regulatory revisions will consolidate existing clean-up requirements under the EPA RCRA	Businesses, municipalities, and state agencies that generate used oil and hazardous waste as a result of their	Leo Hellested, Office of Waste Management 222-2797; Sean Carney, Office of Compliance & Inspection, 222-1360.

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		Corrective Action Program into the State's Site Remediation Program and allow delegation of authorities to the State.	operations; also owners of sites under-going clean-up through the federal EPA Corrective Action Program.	
<b><u>SOLID WASTE REGULATORY FEES</u></b> <i>Legal Basis: : § 42-35</i>	In accordance with the Governor's 2003 state budget proposal, amend state regulations to assess a fee on companies that manage solid waste.	Stabilize funding for the solid waste program.	Owners of solid waste management facilities, including construction and demolition debris processing facilities, landfills, large transfer stations, and petroleum processing facilities.	Leo Hellested, Office of Waste Management, 222-2797.
<b><u>UNDERGROUND STORAGE TANK REGISTRATION FEES</u></b> <i>Legal Basis: : § 42-35</i>	In accordance with the Governor's 2003 state budget proposal, amend state regulations to increase the registration fee for underground storage tanks.	Stabilize funding for the underground storage tank program.	Owners and operators of underground storage tanks will face an increased annual registration fee (from \$50/tank to \$75/tank).	Leo Hellested, Office of Waste Management, 222-2797.
<b><u>INDUSTRIAL / COMMERCIAL DIRECT EXPOSURE STANDARD FOR ARSENIC</u></b> <i>Legal Basis: §§ 23-19.1-6 and 42-35</i>	Amend state regulations to increase the Industrial/Commercial Direct Exposure Standard for Arsenic from 3.7 ppm to 7.0 ppm.	Recognize the statistical distribution of naturally occurring arsenic in Rhode Island.	Owners of properties found to have arsenic.	Leo Hellested, Office of Waste Management, 222-2797.
<b><u>MERCURY-CONTAINING PRODUCTS</u></b> <i>Legal Basis: §§ 23-19.1-6 and 42-35</i>	Establish a regulatory framework for several of the major provisions of the Mercury Education and Reduction Act, enacted in 2001.	Establish regulatory provisions for the following provisions of the Mercury law: notification; restrictions on the sale of mercury fever thermometers; restrictions on the sale of mercury-added novelties; prohibitions on schools in Rhode Island using or purchasing bulk elemental or chemical mercury; or mercury compounds; collection of mercury-added products; disclosure for mercury-added formulated products used in healthcare facilities; limitations on the use of elemental mercury; state procurement preferences for low- or non-mercury-	Manufacturers of mercury-added fabricated and mercury-added formulated products, schools, healthcare facilities.	Beverly Migliore 222-4700 ext. 7503 and Chief Ron Gagnon, OTCA, 222-4700 ext. 7500.

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		added products; and the first component of phase-out of mercury-added fabricated and mercury-added formulated products.		
<p><b><u>DREDGING</u></b>  <i>Legal Basis: § 42-35</i></p>	<p>Establish a comprehensive regulatory framework to ensure that dredging and the management of dredged material is regulated in a manner that is protective of the environment, treats dredging and dredged material management as a distinct class of activities to be regulated on the basis of the nature and characteristics of the material, and encourages the beneficial reuse of dredged material for Brownfields redevelopment, beach nourishment, landscaping, habitat restoration and/or creation, construction projects, landfill cover and other such purposes.</p>	<p>Provides a single set of regulations governing the dredging process and the management and disposal of dredge material.</p>	<p>Marinas, boat owners, commercial and recreational users of Narragansett Bay, CRMC.</p>	<p>Terrence Gray, Assistant Director for Air, Waste and Compliance, 222-4700 ext. 7100.</p>
<p><b><u>AIR TOXICS (APC REGULATION NO. 22)</u></b>  <i>Legal Basis: § 23-23-5(12)</i></p>	<p>Amend APC Regulation No. 22, "Air Toxics," to: make the list of air toxics in that regulation compatible with EPA's Hazardous Air Pollutant list; update the Acceptable Ambient Levels; and update air pollution control requirements for perchloroethylene dry cleaners.</p>	<p>Provide for reduced emissions of toxic air pollutants and reduced emissions of perchloroethylene from dry cleaners.</p>	<p>Perchloroethylene dry cleaners.</p>	<p>Barbara Morin, Office of Air Resources, 222-2808 x7012.</p>

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<u><b>RECORD KEEPING AND REPORTING (APC REGULATION NO. 14)</b></u> <i>Legal Basis: § 23-23-5(12)</i>	Amend Regulation No. 14, "Record Keeping and Reporting," to clarify the date by which submittal of the annual emissions inventory is required.	Reduce confusion in reporting.	Approximately 800 sources of emissions that submit an annual emissions inventory.	Barbara Morin, Office of Air Resources, 222-2808 x7012.
<u><b>ACCIDENTAL RELEASE PREVENTION PROGRAM</b></u> <i>Legal Basis: §§ 23-23-2; 23-23-5(12)</i>	Enable DEM to apply for federal delegation under the Clean Air Act's Accidental Release Prevention Program and then administer the program at the state level.	Require certain facilities to develop Risk Management Plans to prevent accidental releases of pollutants to the air. Of the approximately 300 facilities that would be affected, 29 have already submitted plans to the EPA, about 30 other would be required to submit plans to DEM, and the remaining 250 would be required to prepare, but not submit, contingency plans.	The approximately 300 industrial and commercial businesses in RI that store flammable or toxic gases.	Barbara Morin, Office of Air Resources, 222-2808 ext. 7012.
DEM Rules and Regulations Expected to be Filed After June 2002				
<b>NATURAL RESOURCES</b>				
<u><b>FISHING/HUNTING LICENSE VENDOR AGENTS</b></u> <i>Legal Basis: § 20-1-2</i>	Codify the administrative process and bonding requirements associated with the sale of recreational fishing and hunting licenses by vendors serving as agents for the state.	Establish regulatory structure for the operational procedures and bond requirements governing the sale of licenses by vendors (essentially codifying the administrative process currently in place).	All vendors of hunting and fishing licenses (approximately 100).	Margaret McGrath, Office of Management Services, 222-6825.

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<b>ENVIRONMENTAL PROTECTION</b>				
<u><b>GROUNDWATER QUALITY</b></u> <i>Legal Basis: § 46-13-1</i>	Update and simplify the rules governing groundwater protection.	Update the statewide classification map and designation of wellhead protection areas; promote consistency with respect to site remediation activities; and clarify certain siting restrictions regarding Class V Underground Injection Control Sites.	Developers, as well as contractors involved in site remediation activities and parties interested in drinking water issues.	Ernest Panciera, Office of Water Resources, 222-3961.
<u><b>FY2003 PROJECT PRIORITY LIST</b></u> <i>Legal Basis: §§ 42-17.1; 46-12, 46-12.2 and 42-35</i>	Publish the FY2003 Project Priority List as a technical amendment to establish the universe of projects that potentially could receive funding from the State Revolving Loan Fund (SRF) Program.	Establish eligibility for below-market rate interest loans for selected water pollution abatement projects.	Towns, cities, quasi-state agencies and other local governmental units.	Jay Manning, Office of Water Resources, 222-4700 ext. 7254.
<u><b>UNDERGROUND INJECTION CONTROL</b></u> <i>Legal Basis: §§ 42-17.1 and 46-12</i>	As a result of the promulgation of federal requirements for Class V subsurface discharges, DEM will pursue minor changes to the existing underground injection control (UIC) rules.	These changes will allow Rhode Island to support an application to maintain federal delegation (primacy) for implementation of the UIC program in the state.	A small number of large-scale cesspool owners in Rhode Island.	Terry Simpson, Principal Environmental Scientist, 222-3961.
<u><b>SLUDGE</b></u> <i>Legal Basis: § 46-12</i>	Modify regulations to reduce regulatory oversight of the distribution and utilization of Class A Biosolids and to enact other changes that would bring the sludge regulations more in line with EPA's sludge regulations.	Increase the distribution market in Rhode Island for facilities that generate Class A Biosolids.	Municipalities with Wastewater Treatment Facilities; Landscaping and Agricultural Industries.	Warren Towne, Office of Water Resources, 222-3961.
<u><b>FRESHWATER WETLANDS</b></u> <i>Legal Basis: §§ 42-35 and 2-1</i>	Develop regulations based on the recommendations of the Wetlands Task Force.	Introduce new tiers of applications with reduced requirements for applicants who are near but outside DEM jurisdiction, and for those proposing certain minor activities.	Developers, property owners, and environmental community.	CAROL MURPHY, OFFICE OF WATER RESOURCES, 222-3961.

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<p><b><u>INDIVIDUAL SEWAGE DISPOSAL SYSTEMS</u></b>  <i>Legal Basis: §§ 23-19.5 and 5-56.1</i></p>	<p>Update technical standards and streamline administrative requirements in accordance with chapters 23-19.5 and 5-56.1 of the general laws.</p>	<p>The rule change will substantially update the technical and protective standards for septic systems, including those governing septic tanks, grease traps, leachfields and other components of an ISDS. The change will also clarify and streamline administrative requirements. It will also include a comprehensive recompilation of the ISDS rule to enhance readability and incorporate all previous amendments.</p>	<p>ISDS designers, engineers, homeowners, and those in the development industry.</p>	<p>Ernest Panciera, 222-3961</p>
<p><b><u>CIVIL REGULATORY INSPECTIONS</u></b>  <i>Legal Basis: §§ 42-17.1; 42-17.6; and 42-35</i></p>	<p>Standardize DEM's civil regulatory inspection procedures to be consistent with both the US and State constitutions and case law interpretations provided by the courts.</p>	<p>Ensure consistent, defensible administrative inspections by DEM regulatory staff.</p>	<p>Owners of properties regulated by DEM and operators of business activities regulated by DEM.</p>	<p>David Chopy, OC&amp;I, 222-4700 ext. 7257, or Dean Albro, OC&amp;I, 222-4700 ext. 7431.</p>
<p><b><u>MOTOR VEHICLE INSPECTION / MAINTENANCE PROGRAM (APC REGULATION NO. 34)</u></b>  <i>Legal Basis: § 31-47.1-7(g)</i></p>	<p>Amend APC Regulation No. 34, "Rhode Island Motor Vehicle Inspection/Maintenance Program," to include the testing of 1996 and newer vehicles' on-board diagnostic system in lieu of testing the tailpipe emissions. This amendment will be proposed only if authorizing legislation is enacted during the 2002 General Assembly session. This amendment will comply with federal I/M program requirements.</p>	<p>Testing the OBD system will optimize the efficiency and cost effectiveness of the existing I/M Program, allow for improved repair diagnosis, and provide a transition to the next generation of vehicle inspection program.</p>	<p>Authorized Inspection and Repair Stations, environmental advocates, motorists.</p>	<p>Thomas Barry, Office of Air Resources, 222-2808 x7021.</p>
<p><b><u>LOW EMISSION VEHICLE PROGRAM (APC REGULATION NO. 37)</u></b>  <i>Legal Basis: § 23-23-5(22)</i></p>	<p>Develop regulations as part of a regional effort to adopt the advanced technology vehicle provisions of California's Low-Emission Vehicle II Program.</p>	<p>Require the largest automobile manufacturers to dedicate a portion of their sales to advanced technology vehicles, thereby expanding the market available for gas/electric hybrids, fuel-cell vehicles, electric vehicles, etc.</p>	<p>Auto manufacturers, auto dealers, and light-duty motor vehicle purchasers.</p>	<p>Thomas Barry, Office of Air Resources, 222-2808 x7021.</p>



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<p><b><u>CONTROL OF NITROGEN OXIDES (APC REGULATION NO. 27)</u></b>  <i>Legal Basis: § 23-23-5</i></p>	<p>Amend APC Regulation No. 27, "Control of Nitrogen Oxides Emissions," to reduce nitrogen oxides (NOx) emissions as part of a regional effort to attain and maintain the one-hour ozone standard and reduce eight-hour ozone levels. This will fulfill Rhode Island's commitment to standardize emission limitations for these emission sources throughout the northeast.</p>	<p>Reduce NOx emissions from combustion sources such as combustion turbines, industrial boilers and emergency generators.</p>	<p>Operators of affected combustion sources and environmental advocates.</p>	<p>Douglas McVay, Office of Air Resources, 222-2808 ext. 7011</p>
<p><b><u>DEFINITION OF "VOLATILE ORGANIC COMPOUNDS"</u></b>  <i>Legal Basis: § 23-23-5(12)</i></p>	<p>Amend the definition of Volatile Organic Compounds found in APC Regulations Nos. 9, 14, 15, 19, 21, 25, 26, 28, 29, 30, 31, 32, 33, 35 and 36.</p>	<p>Make the definition of "Volatile Organic Compounds" in Rhode Island's regulations consistent with the Federal definition.</p>	<p>Sources of emissions subject to the listed regulations.</p>	<p>Barbara Morin, Office of Air Resources, 222-2808 ext. 7012.</p>
<p><b><u>PORTABLE FUEL CONTAINER REGULATION</u></b>  <i>Legal Basis: § 23-23-5(12)</i></p>	<p>Limit emissions from portable fuel containers.</p>	<p>This new regulation would reduce volatile organic compound emissions from portable fuel containers and make Rhode Island consistent with the model rule for this source category developed by the Ozone Transport Commission.</p>	<p>Makers of portable fuel containers.</p>	<p>Barbara Morin, Office of Air Resources, 222-2808 x7012.</p>
<p><b><u>DAM MAINTENANCE AND SAFETY</u></b>  <i>Legal Basis: § 42-35</i></p>	<p>Establish a regulatory framework for several of the major provisions of the state's current dam safety law. Rhode Island currently does not have any rules governing standards for dam inspections and repairs. Rules will address requirements for registration of a dam, adopt a formal hazard classification system, establish frequencies of inspections by dam owners and DEM's Dam Safety Program, and adopt dam inspection criteria.</p>	<p>Promulgation of rules will provide for necessary standards for dam safety, classification, and inspection criteria for Rhode Island's 514 dams.</p>	<p>Dam owners and municipalities.</p>	<p>David Chopy, 222-1360 ext. 7257, Office of Compliance and Inspection.</p>